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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,045	03/15/2001	Takuya Kobayashi	2001_0309A	3218

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EXAMINER	
BARQADLE, YASIN M	
ART UNIT	**PAPER NUMBER**
2153	

DATE MAILED: 03/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/808,045	KOBAYASHI ET AL.	
	Examiner	Art Unit	
	Yasin M. Barqadle	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 December 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) _____ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2-5,7-10,12-15 and 17-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Amendment

Applicant's arguments filed on December 16, 2005 have been considered but are not deemed persuasive.

Claims 2-5, 7-10, 12-15, and 17-20 are presented for examination.

Response to Arguments

In response to applicant's arguments in page 16-18 that Lev does not disclose the characteristics of the present invention, namely that prior to reception of the data, the most suitable connection method complying with the content data is selected form either one of a packet switching connection method and a circuit connection method. Examiner notes that Lev teaches "based on a message type of the data packet, either a circiut-switched nework (311) or a packet-switched network (309) is selected. When the circuit-switched network is chosen, a circuit-switched channel (314) is established to the target destination, and the data packets are transmitted to the target destination via the circuit-switched channel. When the packet-switched network is chosen, a packet-switched channel (313) is established to the target destination, and the data packets are transmitted to the target destination via the packet-switched channel." (Abstract and figs 3-4). There is no contradiction in Lev as suggested by the Applicant. In fact, Lev complements the TCP/IP or propriety protocol connection of Mutschler allowing selecting another type of connection such circuit switching based on the type of the data packet (content/message).
Therefore, the combined references of Mutschler and Lev teach the invention as explained in the office action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2-5, 7-10, 12-15, 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mutschler, III et al. (U.S. Patent Number 5,974,430, hereinafter "Mutschler") in view of Lev et al. (U.S. Patent Number 5,729,544, hereinafter "Lev").

In referring to claims 2, 7, 12, 17, Mutschler shows substantial features of the claimed invention, including:

• A browser section operable to extract locational information of each of the sub-content data by analyzing the received content data, and to then generate a retrieval request specifying locational information of content data to be retrieved presently:

"At least one of the clients executes a Web browser program. The method of the present invention operates in the server and at least one of the clients for supporting dynamic access to objects stored in the server repository by the Web browser program." (Mutschler, col. 11, lines **44-48)**

• A communication control section operable to receive content data specified by said browser section from the server:

"More specifically, the method **begins** in the client by parsing an SCL Text parameter to obtain references to objects stored in the server repository (block 150). For each reference to an object stored in the server repository, a message is constructed for the Repository Object for transmission to the Web server (diamond 151, block 152). **(Mutschler, col. 11, lines 48-56. see fig. 1item 13)**

the received content data is a text file written in a mark up language (see fig. 6C and 6E of Mutschler); and said browser section is operable to extract the locational information of each piece of sub-connection data from an anchor tag written in the text file (col. 8, lines 36 to col. 9, line 40 and col. 11, lines 44-48. In Html, all the tags and attributes associated with text, tables, forms, etc are text based)

Although Mutschler shows network connection 13 comprising a TCP/IP (packet switching) or

any other proprietary protocol, he does not show where the connection method is a circuit switching connection method. Nonetheless this feature is well known in the art and would have been an obvious modification to the system disclosed by Mutschler as evidenced by Lev.

In analogous art, Lev discloses a method for transmitting data packets based on message type. Lev Fig. 4 shows determining message type 403 and using that information to determine weather to use packet or circuit switching 404. The system of Lev determines the connection type at the source rather than the destination, this would not preclude a client system from taking advantage of the apparent advantages of tailoring the connection type for the type of data that is to be requested.

Given these teachings, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Mutschler so as to extract a connection method from the data to be retrieved, such as taught by Lev, in order to use circuit switching for streaming data and packet switching for data that doesn't require packets to be sent in a certain order.

In referring to claims 3-5, 8-10, 13, 14, 18, 19 Mutschler shows substantial features of the claimed invention, including:

• A browser section operable to extract locational information of each of the sub-content data by analyzing the received content data, and to then generate a retrieval request specifying locational information of content data to be retrieved presently:

"At least one of the clients executes a Web browser program. The method of the present invention operates in the server and at least one of the clients for supporting dynamic access to objects stored in the server repository by the Web browser program." (Mutschler, col. 11, lines 44-48)

• A communication control section operable to receive content data specified by said browser section from the server:

'More specifically, the method begins in the client by parsing an SCL Text parameter to obtain references to objects stored in the server repository (block 150). For each reference to an object stored in the server repository, a message is constructed for the Repository Object for transmission to the Web server (diamond 151, block 152)." (Mutschler, col. 11, lines 48-56);

the received content data is a text file written in a mark up language (see fig. 6C and 6E of Mutschler); and said browser section is operable to extract the locational information of each piece of sub-connection data from an anchor tag written in the text file (col. 8, lines 36 to col. 9, line 40 and col. 11, lines 44-48. In Html, all the tags and attributes associated with text, tables,

forms, etc are text based)

Although Mutschler shows network connection 13 comprising a TCP/IP (packet switching) or any other proprietary protocol, he does not show where the connection method is a circuit switching connection method. Nonetheless this feature is well known in the art and would have been an obvious modification to the system disclosed by Mutschler as evidenced by Lev.

In analogous art, Lev discloses a method for transmitting data packets based on message type. Lev Fig. 4 shows determining message type **403** and using that information to determine weather to use packet or circuit switching **404.** Lev also shows using a table to store the classification of the different data types:- *"The preferred classification of all possible message types can be predetermined and stored in the network interfacer"* (Lev, col. 4, lines 44-46). The system of Lev determines the connection type at the source rather than the destination, this would not preclude a client system from taking advantage of the apparent advantages of tailoring the connection type for the type of data that is to be requested.

Given these teachings, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Mutschler so as to extract a connection method from the data to be retrieved, such as taught by Lev, in order to use circuit switching for streaming data and packet switching for data that doesn't require packets to be sent in a certain order.

In referring to claims 15 and 20 Mutschler shows substantial features of the claimed invention, including:

• A browser section operable to extract locational information of each of the sub-content data by analyzing the received content data, and to then generate a retrieval request specifying locational information of content data to be retrieved presently:

"At least one of the clients executes a Web browser program. The method of the present invention operates in the server and at least one of the clients for supporting dynamic access to objects stored in the server repository by the Web browser program." (Mutschler, col. 11, lines **44-48)**

• A communication control section operable to receive content data specified by said browser section from the server:

"More specifically, the method begins in the client by parsing an SCL Text parameter to obtain references to objects stored in the server repository (block 150). For each reference to an object stored in the server repository, a

message is constructed for the Repository Object for transmission to the Web server (diamond 151, block 152)." (Mutschler, col. 11, lines **48-56)**

Although Mutschler shows network connection 13 comprising a TCP/IP (packet switching) or any other proprietary protocol (fig.1), he does not show where the connection method is a circuit switching connection method. Nonetheless this feature is well known in the art and would have been an obvious modification to the system disclosed by Mutschler as evidenced by Lev.

In analogous art, Lev discloses a method for transmitting data packets based on message type. Lev Fig. 4 shows determining message type **403** and using that information to determine weather to use packet or circuit switching **404.** Lev also shows using a table to store the classification of the different data types: *"The preferred classification of all possible message types can be predetermined and stored in the network interfacer"* (Lev, col. 4, lines **44-46).** Finally, Lev shows using the header to determine what type of connection to make: *"the message type is determined by the application sourcing the information and is indicated in the TCP session header"* (Lev. col. 4, lines 39-41). The system of Lev determines the connection type at the source rather than the destination, this would not preclude a client system from taking advantage of the apparent advantages of tailoring the connection type for the type of data that is to be requested. If a client system, such as that of Mutschler, were to take advantage of these teachings it would be obvious to request a header in order to determine content type and/or size if there were no other way to determine it (i.e. file extension).

Given these teachings, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Mutschler so as to extract a connection method from the data to be retrieved, such as taught by Lev, in order to use circuit switching for streaming data and packet switching for data that doesn't require packets to be sent in a certain order.

Conclusion

The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained form the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or public PAIR system. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YB

Art Unit 2153

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